

To: Committee on Appeals
Attn: Evan Moilan, ELCA Gulf Coast Synod Council President
Attn: Michael Rinehart, Bishop of the Texas-Louisiana Gulf Coast Synod,
Evangelical Lutheran Church in America
Texas-Louisiana Gulf Coast Synod
Attn: Synod 4.D—Northern Texas-Northern Louisiana
Evangelical Lutheran Church in America (ELCA)
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Cc: Advent Lutheran Church Congregational Council
James Cassens, Mark Dentler, Tim Heine, Peggy Leonhardt, Leslie Holmes, Rodney
Leonhardt Jr., Betty Louis, Terry Rodgers, Joel Vest, Shirley Taloff
5820 Pinemont Dr, Houston, TX 77092
E-mail: advent_hou@sbcglobal.net

Cc: Mark S. Hanson, Presiding Bishop
Evangelical Lutheran Church in America
8765 W. Higgins Road, Chicago, IL 60631
Email: info@elca.org

Fm: Charlie Dean, excluded member of Advent Lutheran Church, Houston, TX

Re: Chapter 15 Hearing - Regarding Discipline of Members, December 20, 2011

Date: January 9, 2011

Appeal from Decisions of Disciplinary Hearing on 12/20/2011

Dear Synod Council:

Please accept my appeal pursuant to Advent's Constitution, C15.04, from the Chapter 15 disciplinary hearing at Advent Lutheran Church on December 20, 2011 where I was excluded from membership in Advent's congregation.

The Chapter 15 process that Tim Heine (council officer) used was limited to C15.01 through C15.05. This was not the proper vehicle or process for Tim to air his grievances and opinions. Tim and other Council officers who stood accused of abusing their authority misused the Chapter 15 disciplinary process to silence me.

Tim Heine conveniently overlooks *C15.10 and *C15.11 (ELCA Const. & Bylaws, 2008) which are specifically designed to address and resolve "disagreement ... within this congregation on a substantive issue that cannot be resolved by the parties ... Synod Council". Until a resolution of an unresolved issue is established, it is improper for Tim to make that issue part of his grievance

under C15 through C15.05. Tim has no authority to substitute his opinion for an opinion of the Synod Council.

Tim Heine's grievances and opinions involve an intricate application of Advent's governing document along with property rights and intellectual property rights. Tim and other church officers should have used the proper procedure to address the underlying unresolved substantive issues and clearly establish a resolution for each unresolved issue before attempting to initiate a Chapter 15 disciplinary hearing process. Neither Pastor Beck nor the Congregational Council has the authority to substitute Tim's opinion for an opinion of the Synod Council.

Pastor Beck had the authority, ability, and responsibility to see that answers were established concerning underlying issues before allowing this matter to go forward. However, being beholden to Council officers for his \$70,000.00 a year package, Pastor Beck distanced himself from the controversy as best he could, attempted not to be hot nor cold, and allowed the process to go forward.

James Cassens allowed Tim Heine and Pastor Beck to digress and speak about things outside the CITATION. In his opening, Tim went beyond the CITATION and accused me of posting "internal documents". Tim made **no effort to show, and failed to show** an example of even one internal (nonexempt) document posted by me. Aside from improperly exceeding the CITATION, if Tim had no intent of showing his accusation to be true, he should not have made it in the first place.

Tim Heine made **no effort to show, and failed to show**, that Advent's governing document gives Council any authority over any of my actions, statements, or behaviors. Tim made no effort to refer to any authority on property rights or intellectual property rights to support his opinion. **Throughout the hearing, the only authority Tim offered was his opinion.**

The specific grievance made the basis of a Chapter 15 disciplinary process must be the same at each iteration in the multi-step process. There must be reasonable continuity, as each step is part of a connected whole. There cannot be multiple levels of abstraction along the process. There must be clarity and validity at each step. Tim made no effort to show that the elements of his grievance at each of the three steps under Matthew 18:15-17 were the same, and he made no effort to show that the elements of his grievance remained the same as it progressed through the four steps under Advent's Constitution, Part 20.41.02.(a,b,c). Applying Chapter 15 is not like Lego blocks where one can simply ignore inconvenient pieces, and gather convenient pieces, and assemble them.

Manipulating the system is a form of evasiveness. It is difficult for Council officers to embed evasiveness inside a legitimate scenario without tainting it. It is like mixing manure with ice cream; it is not easy to disguise. The trouble with being evasive is that Council officers have to continue it, as though it were a Ponzi scheme.

Early on in the hearing I posed some questions to Council:

1. What legitimate claims are before this tribunal?
2. What legitimate issues are before this tribunal?

3. What is the process of this hearing?
4. What is the Chapter 15 process?
5. What are the prerequisites of a Chapter 15 hearing.

Neither these questions, nor their answers, were set out in the CITATION. Council failed to address them at the hearing. They are not addressed in the Chapter 15 hearing report prepared by the Church Council secretary, Shirley Taloff. (I appreciate Shirley's time preparing the report.)

CITATION was inadequate:

The dates of the Chapter 15 steps were never clarified. Under Matthew 18:15-17 there are three steps set out. The CITATION fails to explain how and when anyone accomplished these three steps, and what the substance, essential characteristics, or subject matter amounted to. This was not clarified at the hearing, and the Chapter 15 hearing report fails to set this out.

Under Advent's Constitution, Part 20.41.02.(a,b,c) four steps are set out, including the hearing. The CITATION fails to explain how and when anyone accomplished these steps, and what the substance, essential characteristics, or subject matter amounted to. This was not explained at the hearing, and the Chapter 15 hearing report fails to mention it.

Advent's Constitution, Part 20.41.03. sets out prerequisites to a CITATION and a hearing. The CITATION fails to show that prerequisites were accomplished. This was not explained at the hearing, and the Chapter 15 hearing report fails to set this out.

The CITATION failed to explain the source of Council's supposed authority over any of Tim's grievances and opinions as that relate to any of my actions, statements, or behaviors. At the hearing Tim made no effort to show, and failed to show, that Advent's Constitution gives Council authority over anything of any consequence. The Chapter 15 hearing report mentions no finding of such authority.

Revisiting the nine (9) un-numbered points in the CITATION:

First point:

Tim Heine offers his opinion and grieves about "unauthorized use of Advent's name ... content implying belonging to and sanctioned by Advent". Council has no authority to restrict the specific ways I used any words on the Googlesite. The CITATION sets out no such authority. Tim failed to show that Advent's Constitution gives this authority to Council. Tim referenced no authority on property rights or intellectual property rights to support his opinion.

With minimal reading, any literate person would readily see that the site was created to lampoon church leaders who promoted censorship of nonexempt digital material, and that the site did not belong to Advent and was not sanctioned by Advent's Council. The website was clearly a parody. There was no evidence to the contrary. Tim simply offered his opinion, and the only support for Tim's opinion was his own opinion. Tim gave not even one example of any specific word(s) in the context of its use on the site that Council had authority over.

The Googlesite also made available in digital form some non-exempt material that had

previously been published to the world by Advent's Council. Neither the CITATION, nor Tim, nor the hearing report allege or find that anything on the site was exempt material, stolen material, surreptitiously obtained, or in any way comes under authority of Council. Council has no authority to restrict anything on the Googlesite. Tim failed to provide even one example of any single item on the website and show, or attempt to show, how it came under the authority of Council.

Tim continues to grieve and opine, "use of Advent's name on a new public website should have been authorized by council prior to creation". Council has no authority to require that the Googlesite be authorized by council prior to creation. Tim failed to show that Advent's Constitution gives such authority to Council. Tim failed to show any authority on property rights or intellectual property rights to support his opinion. The burden of proof was on Tim. I have no doubt that Tim would like to flex his administrative muscle at Advent and dictate what should be authorized on a Googlesite. Council derives its authority from Advent's governing document, not from Tim's opinion.

Tim grieves and opines, "Charlie has refused our direct requests to remove the website ...". This makes it apparent that "our" includes all sixteen (16) of the officers (co-complainants) who signed the letter of January 19, 2011 (Tim's Exhibit 5.). On Tim's Exhibit 5a, pages 3 & 4, under the date 1/18/11, it is apparent that Tim perceived an argument over "council's authority over its property". It appears that Tim Heine probably drafted the letter of 1/19/2011. Again, Council derives its authority from its governing document, not from Tim's opinion. It is ridiculous that the same people who join Tim as co-signors and complain about the same subject matter as Tim would later be judges on the same subject matter.

The sixteen officers who who join Tim as co-signors on the letter of January 19, 2011, and essentially grieve and opine with Tim, should be deemed to have "present[ed] evidence or testimony in the hearing before the Congregation Council" and should be deemed "disqualified from voting upon the question of the guilt of the accused member". (ELCA Const. & Bylaws.2008, *C15.03.)

Co-complainants who signed council's letter of January 19, 2011 include: James Cassens, Peggy Leonhardt, Rodney Leonhardt Jr., Terry Rodgers, Mark Dentler, Becky Schultz, Marilyn Marek, Jimmy Cassens, Tim Heine, Leslie Holmes, Betty Louis, Joel Vest, Ron Held, Diana Brown, Rhonda Boehm, and Ricky Boehme.

Advent Church Council members present on December 20, 2011 who voted include: **James Cassens, Mark Dentler, Tim Heine, Ron Held, Peggy Leonhardt, Becky Schultz, Leslie Holmes, Rodney Leonhardt Jr., Marilyn Marek, Betty Louis, Rhonda Boehm, Terry Rodgers, Jimmy Cassens, Joel Vest, and Ricky Boehme.**

Council has no authority to request, demand, or order the removal of the website. Tim failed to show that Advent's Constitution gave such authority to Council. Tim failed to show any authority on property rights or intellectual property rights to support his opinion. Tim failed to show even one tidbit of material on the website that Council has authority over. Tim failed to provide even one source of authority to support his opinion.

Tim references no authority that “our direct requests” were ever reasonable, or that I ever had any duty that I failed to perform. Council has no authority to back up “our direct requests”. Tim failed to show that Advent’s Constitution gives this authority to Council. Tim failed to show any authority on property rights or intellectual property rights to support his opinion. Tim failed to show even one tidbit of material on the website that Council had authority to make any direct request about. Tim failed to provide even one source of authority, other than his own opinion, to support his opinion.

Second point:

Tim Heine offers his opinion and grieves about “documents not approved for general public distribution.” Council has no authority to restrict any (nonexempt) document from general public distribution. Tim failed to show that Advent’s Constitution gives this authority to Council. Tim failed to show any authority on property rights or intellectual property rights to support his opinion. Tim failed to point to even one document on the Googlesite that had not already been made available for public distribution by Advent. Tim failed to show even one document on the website that Council has authority to censor. Tim failed to point to anything on the website and allege that it had been stolen from anyone.

Tim continues his grieving and opining, “Publication of Advent’s documents ... should have been authorized by council prior to posting.” Council has no authority to mandate that nonexempt documents be authorized prior to posting. Tim failed to show that Advent’s Constitution gives this authority to Council. Tim failed to support his opinion with any authority on property rights or intellectual property rights. Tim failed to point to even one document on the Googlesite that Council had the authority to censor. The burden was on Tim to show this.

Tim continues with “Charlie refused our direct requests to remove and cease publicizing of documents not approved for general distribution”. Again, this makes it apparent that all sixteen (16) of the officers who signed the letter of January 19, 2011 are in fact co-complainants. These same people should not later be judges of the same subject matter. Council has no authority to censor any document on the website. Tim failed to show that Advent’s Constitution gives this authority to Council. Tim failed to show even one example of any document on the website that Council has the authority to censor.

Third point:

Tim Heine offers his opinion and grieves about “inappropriate ... use ... of Advent’s membership directory ... governing of that use lies with council ... mass solicitation ... should have been authorized”. Council has no authority to restrict its membership directory in any way that pertains to the facts in this case. Tim failed to show that Advent’s Constitution gives any authority to Council that impacts the matter at hand. Tim failed to support his opinion with any authority on property rights or intellectual property rights. Tim failed to point to even example of my use of the membership directory that Council had any authority over. Tim only supported his opinion with his opinion.

Tim grieves and opines about “governing of that use lies with council”. Council has no such vague authority. Tim failed to show that Advent’s Constitution gives this vague authority to

Council. Tim failed to provide even one example of my use of the membership directory that Council had authority to restrict or censor.

Tim grieves and opines about “mass solicitation”. Tim failed to clarify what he meant by “mass solicitation”. The CITATION did not explain it, nor did the hearing report. Council has no authority over mass solicitation. Tim failed to show that Advent’s Constitution gives this authority to Council. Tim failed to show even one example of a mass solicitation that Council has the authority to restrict or censor. Tim simply supported his opinion with his opinion. I suppose it slipped Tim’s mind that numerous church members have emailed two or more, or many other church members at the same time. Tim is quite selective with who he grieves and opines about.

Tim grieves and opines about “voicing of his opinions and solicitations”. Council has no authority over voicing of opinions and solicitations. Tim failed to show that Advent’s Constitution gives Council this authority. Tim failed to give even one example of my opinion and allege it to be inappropriate. Tim failed to give even one example of my solicitation (whatever that is) and allege it to be inappropriate. Tim failed to give even one example of my opinion or solicitation that Council had authority over. Tim’s opinion was only supported by Tim’s opinion.

Tim grieves and opines, “Charlie has refused our direct requests to cease use of membership information for mass voicing of his opinions and solicitations for membership to ‘IT&R Group’ that has not been approved by council”. Again, this makes it apparent that all sixteen (16) of the officers who signed the letter of January 19, 2011 are in fact co-complainants. These same people should not later be judges.

Council has no authority over mass voicing of opinions. Tim failed to show that Advent’s Constitution gives Council this authority. Council has no authority over solicitations for membership to any group. Tim failed to show that Advent’s Constitution gives Council this authority. Tim makes no effort to bolster his opinion with any authority on property rights or intellectual property rights.

Fourth point:

Tim Heine grieves and opines about “unauthorized solicitation for membership and/or participation to a committee using Advent’s name ...”. Council has no authority to restrict a member from soliciting another member to participate in any endeavor. Tim failed to show that Advent’s Constitution gives Council this authority. Council has no authority to restrict a member from participating in a group that uses Advent’s name. Tim failed to show that Advent’s Constitution gives Council this authority. Tim failed to show even one example of any alleged solicitation that Council has authority over. Tim failed to show even one example of any alleged participation that Council has authority over. Tim did not bolster his opinion with any authority on property interests or intellectual property interests. The only authority to support Tim’s opinion was Tim’s opinion.

Tim grieves and opines, “Charlie has refused our direct requests to cease solicitation and advertising of an ‘IT&R Group’ that has not been approved by council”. Again, this makes it

apparent that all sixteen (16) of the officers who signed the letter of January 19, 2011 are in fact co-complainants. These same people should not later be judges.

Council has no authority to request or demand that solicitation of an IT&R Group cease. Tim failed to show that Advent's Constitution gives Council this authority. Tim failed to show even one example here that Council had authority over. Council has no authority to require pre-approval of an IT&R Group. Tim failed to show that Advent's Constitution gives Council this authority. Tim failed to show even one example here that Council had authority over. Tim did not bolster his opinion with any authority on property interests or intellectual property interests. Tim supports his opinion only with his opinion.

Fifth point:

Tim Heine grieves and opines of "persistent trouble making in the congregation." Tim opines and grieves that I have complained of "censorship as well as other issues". The CITATION fails to explain what facts amount to persistent trouble making. Tim failed to give even one example of "trouble making". If Tim wants to couch, as "persistent trouble making", my accusations about Council's censoring of non exempt material, manipulating the process, bullying, and claiming false authority, then it might behoove Tim to show that such accusations are bogus. Tim did not attempt to show that my accusations are bogus. The CITATION fails to alleged that my accusations against any Council officer are false, and the Chapter 15 hearing report mentions no such finding.

Council has no authority to restrict, censor, or suppress any member's allegation regarding censorship, and especially as it relates to nonexempt material. Tim failed to show that Advent's Constitution gives Council authority to do this. The CITATION fails to explain what facts amount to "as well as other issues". Council has no authority to restrict, censor, or suppress any member's opinion about "other issues". Tim failed to show that Advent's Constitution gives Council authority to do this. Tim failed to give even one example of "other issues" that Council has authority over. The only support for Tim's opinion was his opinion.

Tim uses the Chapter 15 disciplinary process to as a shield and a way to hide from my accusations about Council's censoring of non-exempt material, manipulating the process, bullying, and claiming false authority. Tim helps his fellow officers hide from the same allegations. Tim's fellow officers help Tim navigate the Chapter 15 process. **A fine example of a Kangaroo Court.**

Tim grieves and opines about "an overall tone of dislike for Advent, its procedures, authority over its property and processes ... continually argumentative". The CITATION fails to set out facts to explain what an overall tone of dislike for Advent might be; this was not addressed at the hearing, nor in the Chapter 15 hearing report. Again, Tim dodges my accusations of Council's censoring non-exempt material, manipulating the process, bullying, and claiming false authority. Council has no authority to take these allegations and misconstrue them in an accusatory manner at a Chapter 15 disciplinary hearing. Tim fails to show that Advent's Constitution grants Council this authority. Council has no authority, while being well aware of the accusations, to ignore them and proceed to a Chapter 15 disciplinary hearing in an effort to silence the member who is making the accusations. Tim fails to show that Advent's Constitution gives Council this

authority.

Council has no authority to require any member to like a procedure that is being abused. Tim fails to show that Advent's Constitution grants Council this authority. Council has no authority to require any member to like Council's abuse of authority over its property and processes. Tim fails to show that Advent's Constitution grants Council this authority. Tim simply supports his opinion with his opinion.

Tim grieves and opines that "Advent has neither the resources nor time to invest in such non-productive activity." The CITATION fails to explain what non-productive activities are referenced; this was not addressed at the hearing, nor in the Chapter 15 hearing report. The CITATION fails to explain how I was responsible for Advents inadequate resources or time; this was not addressed at the hearing, nor in the Chapter 15 hearing report. Council has no authority to hold me responsible for its management, or mismanagement, of time or resources. Tim failed to show that Advent's Constitution gives Council this authority. Tim supports his opinion only with his opinion.

Sixth point:

Tim Heine grieves and opines about "acknowledging, respecting and abiding by the decisions of the church council concerning Advent's property". Council has no authority to require any member to kowtow to decisions that are in the purview of censoring non-exempt material, manipulating the process, bullying, and claiming false authority. Tim failed to show that Advent's Constitution grants this authority to Council. Council has no authority to hide from the allegations. Tim failed to show that Advent's Constitution grants Council this authority. Council has no authority to use the Chapter 15 disciplinary process in a vindictive manner against a church member who accuses Council officers of abusing their authority. Tim failed to show that Advent's Constitution gives Council this authority. Council has no authority to use the Chapter 15 disciplinary process to silence a member who points an accusatory finger at Council officers. Tim failed to show that Advent's Constitution gives Council this authority. Council has no authority to use the Chapter 15 disciplinary process as a convenient whip to crack when officers get their feathers ruffled. Tim failed to show that Advent's Constitution gives Council this authority. The only authority for Tim's grievance and opinion was his opinion.

Tim failed to specify which property, or kinds of property, are in question and how Council's authority (assuming it has any) applies. Questions of property interests belonging to each individual member of Advent was never addressed at the hearing. Tim failed to show that Advent's Constitution gives Council even hypothetical authority over any property of any kind that applies to anything pertinent to this matter at hand. Tim made no reference to any authority on property rights or intellectual property rights to support his opinion. Tim's used only his opinion to support his opinion.

Seventh point:

Tim Heine grieves opines about "recognizing the property of Advent Lutheran Church ... its real property ... its name in any form of such that in application implies a representation of Advent ... membership director ... records and reports ... financial reports and meeting minutes". The CITATION failed to explain what real property I supposedly abused; this was not dealt with at

the hearing, and the Chapter 15 hearing report fails to address it.

Council has no authority over the use of the word “Advent” or the church’s name in a manner that applies in the situation at hand. Tim failed to show that Advent’s Constitution gives Council this authority. Tim failed to give even one example of a word that was used on the website that Council has any authority over.

Tim failed to give even one example of the church’s name being used in a way that implied a representation of Advent, as opposed to being simply a spoof or parody on Advent officers who were accused of abusing their authority. Council has no authority to restrict this. Tim failed to show that Advent’s Constitution gives Council this authority. Tim failed to present any authority on property rights or intellectual property rights to support his opinion. Tim only provided his opinion.

Tim opines and grieves about “its membership directory”. Council has no authority over any alleged way I used anything from the membership directory. Tim failed to show that Advent’s Constitution gives Council this authority. Tim fails to give even one example of any alleged use of anything from the membership directory that Council has any control over. Tim failed to refer to any authority on property rights or intellectual property rights to support his opinion.

Eighth point:

Tim Heine grieves and opines about “Behavior opposed to the powers of council ... governance over use of Advent’s property, overseeing, protecting and maintaining as they deem necessary and reasonable to the mission of Advent ... oversee the creation and ongoing activities of its organizations, committees and any other groups that ... imply being sanctioned and/or representative of Advent”. Tim overlooks that the authority of council officers’ involves a power and a right. I accused officers of using their power in ways that exceeded their right. In other words, I accused them of abusing their authority. No church member should be disciplined for making such an accusation, especially if it is true, and Council has no authority to do this. Tim fails to show that Advent’s Constitution gives Council this authority.

Council has no authority to require a member to kowtow to powers of council when officers are abusing them. Tim failed to show that Advent’s Constitution gives Council this authority. Strangely, Tim never accuses me of making false allegations regarding officers abusing their power.

There was no showing by Tim that censoring non-exempt digital material in any way has ever enhanced, promoted, or contributed to the mission of Advent. Tim failed to show that Advent’s Constitution gives authority to Council to abuse its authority in order to contribute to any mission. Tim only provided his opinion.

The CITATION fails to explain the exact nature of the various kinds of property in question. This was not dealt with at the hearing, and the Chapter 15 hearing report failed to address it.

The CITATION fails to explain what, if anything, council officers were attempting to oversee or whether their method of overseeing was reasonable. This was not dealt with at the hearing, and

the Chapter 15 hearing report failed to address it.

The CITATION fails to explain what, if anything, council officers thought they were protecting, or whether their method of protecting was reasonable. This was not dealt with at the hearing, and the Chapter 15 hearing report failed to address it.

The CITATION fails to explain what council officers thought they were maintaining, or whether their method of maintaining was necessary or reasonable. This was not dealt with at the hearing, and the Chapter 15 hearing report failed to address it.

Council has no authority with respect to activities, organization, committees, or groups that pertains to the matter at hand. Tim failed to show that Advent's Constitution gives Council this authority. Tim failed to provide even one example of any alleged act of mine that falls under the authority of Council. Tim failed to provide even one alleged example of any alleged act of mine that interfered with activities, organization, or committees, or groups in such a way that it comes under the authority of Council. Tim failed to show that Advent's Constitution imposes on me any duty or obligation that I have violated. Tim only provides his opinion.

No Council officer has the authority to substitute his opinion, no matter how strongly he believes in it, for the mission of Advent Lutheran Church. Tim failed to show that Advent's Constitution gives Council or any council officer this authority. Tim, a council officer, has no authority to substitute his opinion for Advent's governing document. Tim failed to show that Advent's governing document gives him this authority. Tim only provides his opinion.

Tim made no effort to show, and failed to show, that I in any way tried to appear, or even accidentally appeared, being sanctioned and/or representative of Advent. The Googlesite was clearly a spoof of council officers who were accused of abusing their authority. No intelligent person could believe that council officers would sanction, authorize, give permission, approve of, support, or encourage a site that clearly lampooned the officers and accused them of abusing their authority. Tim failed to present even one example on the Googlesite where any intelligent person could be confused about the purpose of the website.

Tim's grieving and opining presumes that Council must have the authority to proscribe or censor spoofs or lampoons on council officers who are engaged in censorship of nonexempt material and other abuses. Tim's bald-faced, self-serving assertions cannot support themselves. Tim offers no authority, other than his opinion.

Ninth point:

Tim Heine grieves and opines about "opposed to recognizing and respecting the council ... regarding Advent's property, organized groups and activities". Council has no authority to require a member to kowtow to an abuse of authority. Tim fails to show that Advent's Constitution gives Council this authority. Council has no authority to use, or pretend to use, its authority with respect to property, organized groups, or activities in a vindictive manner in order to avoid dealing with accusation of officers abusing their authority. Tim fails to show that Advent's Constitution gives Council this authority. Tim references no authority on property rights or intellectual property rights to support his opinion. Tim only supports his opinion with

his opinion.

Pastor Beck's admonishment(s):

The CITATION failed to show what, if anything, the substance of either of Pastor Beck's two (supposed) required admonishments amounted to, or when they occurred.

At the disciplinary hearing, Tim Heine said both admonitions occurred on November 29, 2011 at 7:00 pm. At the private meeting (11/29/2011) with Pastor Beck told me I could resign my membership. When I declined he showed me the CITATION. We chitchatted about unrelated matters. There was no admonishment from Pastor Beck to avoid or cease doing anything. Later, James Cassens and Mark Dentler came into the room. There was no admonishment from Pastor Beck at that time either, to avoid or cease doing anything. Strangely, Mark Dentler said if I would sign (and do nothing else) any one of the documents in the room the Chapter 15 process would stop.

When Tim Heine queried Pastor Beck about the "Chapter 15 process on November twenty-ninth", Pastor Beck said "Yeah, I'd like to speak to that. ... We addressed that here when we had the first meeting here when we had the first meeting ...". Pastor Beck then proceeded to rehash his rendition of the meeting of November 3, 2011 that we had "here" in the church library though he did not mention November 3 as the date. This was not even a private meeting and was a different date from 11/29/2011 as claimed by Tim Heine. Then Evan Moilan spoke about whether new charges could be added to the citation. Later Pastor Beck continued "We did on the, on the November, that meeting we had in November with you and James and Mark and I. I talked about that and you said that's new information to me." Again, this clearly is the November 3, 2011 meeting. Later Pastor Beck mentioned "the last meeting in November" but fails to clarify the date.

If a private admonition with the Pastor, and a subsequent admonition with the Pastor and two witnesses occurred on November 29, one must wonder why Pastor Beck could not clearly identify the specific date and times and explain in detail what each element of each admonition was. One might wonder, considering the importance of admonitions in the Chapter 15 process, why each step was not clearly documented and why I was not given a copy of the documentation immediately thereafter. As Pastor Beck was unable, or unwilling to pin down the dates, times, and elements of any specific admonishment, his story was so wishy-washy that it could be molded to fit any part of Tim's puzzle. It was Tim's job to see that Pastor Beck specified each date, time, and each element of each of the two admonishments.

It is unclear whether the Chapter 15 hearing report purports to address what Pastor Beck's admonishment(s) consisted of. However, if Council purports that the ninth (9th) unnumbered point of the Chapter 15 hearing report references the substance of Pastor Beck's admonishment(s), no matter what day(s) it occurred on, this raises serious questions of basic protocol of applying Chapter 15 to Tim's grievance.

The Chapter 15 hearing report states:

Pastor Beck clarified for Mr. Dean that it is the, "**accusation of censorship**" and his failure to shut down an **unauthorized website** that contains **church member's personal**

e-mails as well as other church documents that has **church members upset**. When Pastor Beck says “e-mails” I am sure he means *e-mail addresses*.

First, the CITATION makes no assertion that my accusation of censorship is untrue. Tim Heine made not attempt to show, and failed to show, that my **accusation of censorship** (especially of digital material) was untrue. It would be disingenuous of any Pastor to admonish a member for accusing council officers of censorship of non-exempt material when the accusation is true. It would make no sense to give a member a citation to appear at a discipline hearing for his accusation against officers, if the accusation were in fact true. And it would be worse to permit the matter to go on to a disciplinary hearing. There was no attempt to show, and no showing, that even one church member was upset about my accusation of censorship, other than the church leaders present on 12/20/2011 who were accused of abusing their authority.

Of interest here is Pastor Beck’s strong testimony that “there is no censorship” and Tim Heine’s strong assertion that Council has authority to censor, restrict, and control what I can access and and what I publish. **Pastor Beck takes one side of the argument, and Tim takes the other.**

Second, Council has no authority to require authorization for the website nor for even one item that appeared on the website. There was no showing that any church member was upset about an “**unauthorized website**”, other than two people (Exhibits 4d & 4e, which I saw for the first time at the hearing) and the church leaders present on 12/20/2011 who stood accused of abusing their authority. It would be disingenuous of any Pastor to admonish a member for having an “unauthorized website” when no authorization was needed, and permit the matter to go on to a disciplinary hearing.

Third, there was no showing that the Googlesite in question contained even one tidbit of material from the church membership list such as **personal e-mail** addresses, phone numbers, etc. It would be disingenuous of any Pastor to admonish a member for unscrupulously obtaining personal material and posting it on a site when it did not happen. It would make no sense to give a member a citation to appear at a discipline hearing for this, and it would be worse to permit the matter to go on to a disciplinary hearing. There was no showing that the website contained even one document had caused even one church member to be upset, other than the church leaders present on 12/20/2011 who stood accused of abusing their authority.

A Complainant’s grievance about another church member making false accusations against council members, having an unauthorized site when authorization is in fact needed, misusing a list of private e-mail addresses, and unduly upsetting church members **should be well established before** any Pastor allows the accusations to go forward to a disciplinary hearing.

It would be wrong of any Pastor to (1) realize that a Complainant’s grievance involves underlying unresolved issues with no established resolution, and (2) engage in speculation of a finding of a particular resolution at a Chapter 15 hearing, and (3) use that speculation as the basis for an admonition against the Target of the grievance. There is no Constitutional authority for this. Tim made no effort to show, and failed to show, that Advent’s governing document gives the Pastor the authority to base his admonishment on a speculation, or to engage in any form of bootstrapping.

Findings by Council are limited to written charges in CITATION:

The tenth (10th) unnumbered point of the Chapter 15 hearing report states:

Regarding the issue of whether or not the hearing is limited to *written charges*; Mr. Molian referenced 15.01, 15.02, 15.03, 15.04, 15.05, and 15.06 in the ELCA Model Constitution for Churches. Mr. Cassens made the decision that charges could NOT be added.

Based on Mr. Cassens decision (above), any allegation springing from Advent's governing document (other than Chapter 15), or any allegation springing from authority on property rights, or intellectual property rights would have been *added charges* beyond the *written charges*, and therefore not permitted. **Without adding charges, Tim was left with his grievances and opinions under Chapter 15, and nothing more.** Tim's opinion cannot be used as authority to support itself. It was improper for Congregation Council, notwithstanding its unanimous vote, to sustain the allegations listed on the citation, as there is no authority to support the findings other than Tim's opinion.

Failure to invoke the rule:

I asked that the rule be invoked against potential witnesses and it was not. As it was not, it would have been unwise to call witnesses who were present in the hearing room.

Partiality and prejudice:

There is no doubt that I have lampooned Council members for months for their censorship policy. There is not doubt that I accused Council members repeatedly of theft of information, bullying, deception. There is not doubt that I have a pending matter before the ELCA Review Committee regarding amendments to Advent's Constitution. There is not doubt that 16 Council members signed a complaint letter (01/19/2011) directed to me. There is not doubt that Council members have been embarrassed and have wanted to silence me. **There should be no doubt about Council members being unduly influenced by partiality, prejudice, and conflict of interest.** They should be deemed unqualified to vote. A neutral panel should have been found.

Triplet bullying:

During the hearing, Pastor Beck said something about me not liking Advent. I asked where the evidence was to support that, and Terry Rodgers made a snide comment ("It sure seems like it's in the letters"). I insisted that Terry explain himself, and when he refused I insisted that he recuse himself. The body language that took place here is appalling. Terry leaned over the table in my direction, putting himself in front of the person to his left, and looked over his glasses at me and grinned and snickered, like teenage girls do when they are teasing each other. This went on for about 30 seconds to one minute. Terry did not accomplish this on his own. Rodney Leonhardt Jr. (first bully) provided a back and shoulder massage to Terry Rodgers (second bully), giving him stimulation and encouragement, then Terry leaned across the table and grinned and snickered at me, and James Cassens (third bully) silently watched this go on and gave his tacit approval. There was quiet talking between Rodney and Terry that the recording failed to capture. These three church officers used teamwork to accomplish this. They hid behind the corporatehood of Advent Lutheran Church and their positions as officers.

Pair bullying:

At the hearing I was interrupted multiple times by Tim Heine. The hearing officer, James Cassens, failed repeatedly to intervene and I raised my voice numerous time to encourage Tim to be quiet. While this went on, numerous times Tim looked at me and smirked and giggled. This was pair bullying in action; the first bully (Tim) smirking and giggling and the second bully (James) quietly giving tacit support. I noticed the recording failed to capture Tim's vocalizations. This was teamwork, and abuse of the corporatehood of Advent Lutheran Church and their positions as officers.

Refusing to read evidence:

Some Council members did not read my letter of 12/20/2011, which I adopted as part of my testimony, along with other exhibits. Other Council officers only glanced at it.

Reversing roles:

The CITATION was composed of nothing but Tim Heine's opinions and grievances. I could have just as easily have written up something very similar directed at Tim and put "CITATION" at the top of it. And were I a Council officer with a malicious intent, and Tim a lowly church member, Tim would likely lose at a Chapter 15 hearing if conducted in the same manner as what I saw on 12/20/2011.

Conclusion:

It is hard to imagine how ELCA leaders can be so oblivious to their governing documents. It is a shame that ELCA leaders will allow some church officers who stand accused of censoring of nonexempt material, theft of information, deception, manipulating the process, bullying, and claiming false authority, to abuse the system as they have in this situation.

References

- Advent Lutheran Church Congregation Council. (2011, November 29). Citation to appear before congregational council.
- Cassens, J. (2011, Dec. 23). Ch. 15 process - notification letter. Congregation President, Advent Lutheran Church - Houston.
- Constitution & Bylaws of Advent Lutheran Church. (1997)
- Constitution & Bylaws of ELCA. (2008)
- Heine, T. (2011, December 20). Tim's exhibits. (Some pages do not have page numbers.)
- Taloff, S. (2011, December 20). Chapter 15 hearing with Charlie Dean regarding discipline of members. (aka, "hearing report"). Church Council secretary.
- Taloff, S. (2011, December 20). Recording of disciplinary hearing. Church Council secretary.